



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**October 13, 2004**

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**SUBJECT:**           **2004-0733:** Application on a 20,984 square foot-site located at **186 North Sunnyvale Avenue** in an R-2 (Low-Medium Density Residential) Zoning District. (APN: 204-48-026)

Motion               **Use Permit** to allow the construction of a new 480 square-foot garage.

**REPORT IN BRIEF**

**Existing Site Conditions**           Mixed residential-office

**Surrounding Land Uses**

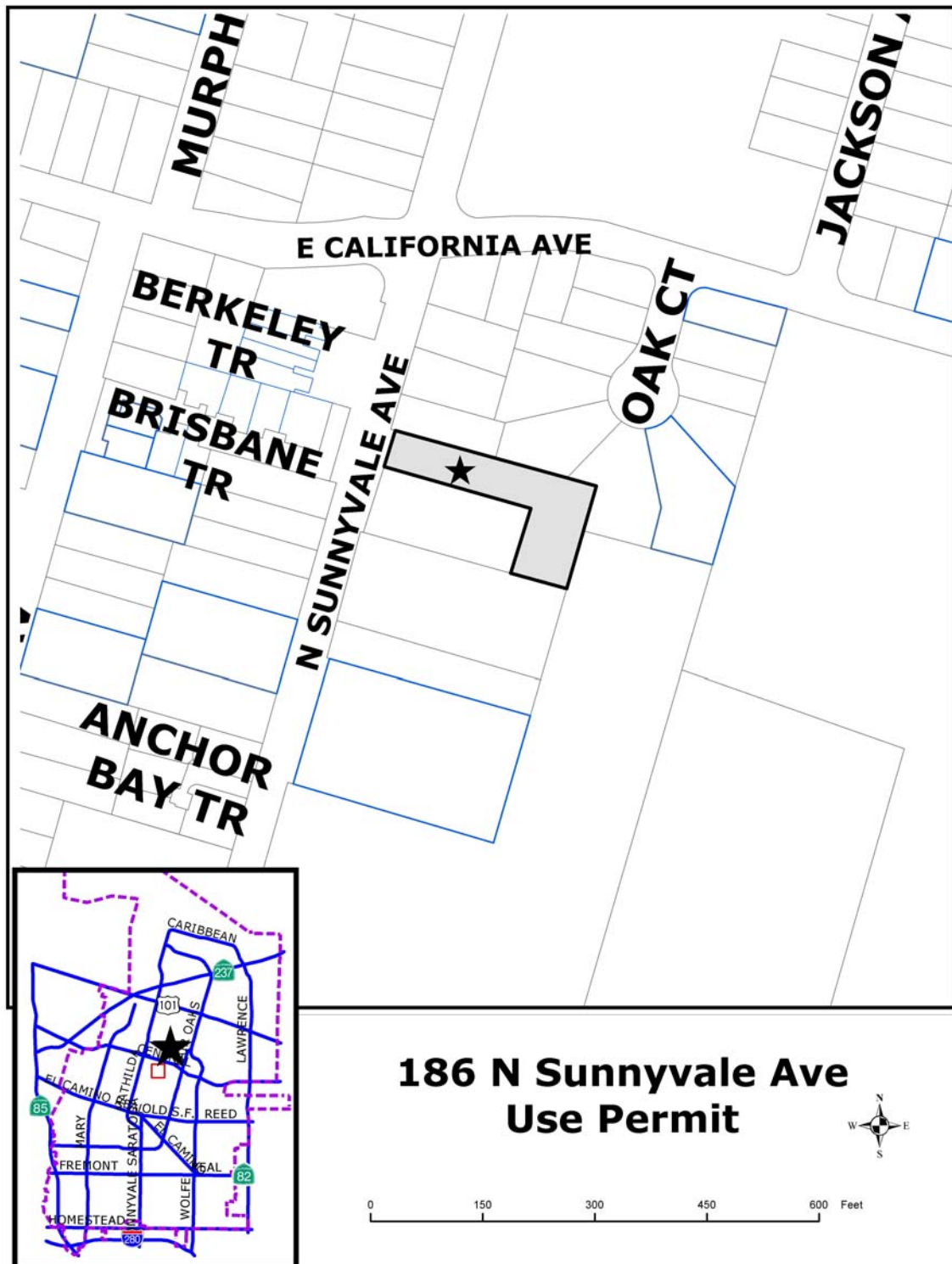
North	Single family
South	Single family and residential-office
East	General industrial (Westinghouse)
West	Single family and townhomes

**Issues**

- Parking
- Size of garage
- Unpermitted structure
- Non-conforming use
- Non-conforming sign

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Residential Low Medium Density	Same	---
<b>Zoning District</b>	R-2	Same	---
<b>Lot Size (s.f.)</b>	20,984	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	4,129	4,609	9,443 max. w/o Plng. Comm.
<b>Lot Coverage (%)</b>	19.7%	22.0%	40% max.
<b>Floor Area Ratio (FAR)</b>	28.8%	31.1%	45% max. w/o Plng. Comm.
<b>No. of Units</b>	10	Same	5 max. by Code (9 units per assessment)
<b>No. of Buildings On-Site</b>	2	3	---
<b>Distance Between Buildings</b>	36	6	10 min. (5 if windows >10 ft)
<b>Building Height - garage (ft.)</b>	N/A	12.25	20 max.
<b>No. of Stories</b>	1	1	2 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	56.0	Same	20 min.
• <b>Left Side</b>	7.8	4	4 min.
• <b>Right Side</b>	13.0	Same	8 min.
• <b>Rear</b>	20.7	Same	20 min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	23	22	21 min.
• <b>No. of Standards</b>	14	13	20 min.
• <b>No. of Compacts / % of total</b>	9	9	3 max.
• <b>No. of Accessible</b>	0	0	1 min.
• <b>No. of Covered Spaces</b>	0	2	11 min.

## ANALYSIS

### **Background**

This application is for a 2-car garage to be located in an existing parking area resulting in an increase in covered parking. The site involves nonconformities with regard to land use and parking, as well as an unpermitted structure.

The mixed residential-office use requires a Use Permit for the low-medium density (R-2) residential zoning; according to the applicant, the mixed use pre-dates the Use Permit requirement.

The site also does not provide the required covered parking for residential units. The residential units were constructed in 1962, which pre-dates the covered parking requirement. The applicant applied for a permit to construct covered parking in 1999, but the application was not finalized and is listed as being on hold.

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Filing Date</b>
1999-0887	To allow 8 carports for a non-conforming use where 6 are allowed.	On Hold	7/23/99
2001-0573	To legalize an existing monument sign which is too large to meet City Code.	On Hold	9/4/01

### **Description of Proposed Project**

The application is to install two covered parking spaces on a mixed use, non-conforming property.

### **Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions. Class 1 Categorical Exemptions include minor additions to existing facilities.

The neighboring industrial site has historically used a variety of toxic chemicals, primarily chlorinated organic solvents. Groundwater contamination is believed to have resulted from a leaking polychlorinated biphenyls (PCBs) storage tank and from localized spills. Most of the contaminated areas on site have been removed or have been paved over. Access to the site is restricted.

### **Use Permit**

#### **Use:**

The site has a long-standing mixed office-residential use. Given the low-medium residential zoning of the property, the Municipal Code requires office use to be approved through a Use Permit process. However, the on-site office use pre-dates the Municipal Code requirements, making this a legal non-conforming use.

The density is also non-conforming. The R-2 zoning allows for a maximum density of 1 unit per 3,600 sq. ft., which results in a maximum of 5 units for the 20,984 sq. ft. lot. However, there are currently 10 units on site, with only 9 recognized by the City records for property assessment.

The property includes a one-story house, an attached studio, and a detached 8-unit studio apartment building. Based on city records, the property assessment is for 9 units and a total of 3,780 sq. ft. According to the applicant, the total gross floor area is currently 4,129 sq. ft. and the attached studio is 479 sq. ft. There are no building records for the attached studio, the property is only assessed for 9 units and it appears that the additional square footage above the assessed value is approximately equivalent to the size of the attached studio. Staff recommends that the studio be removed or remodeled to become part of existing home (Condition #5).

#### **Site Layout:**

The property is an L-shaped lot, with a narrow entrance on North Sunnyvale Avenue leading to a large lot in the rear of the property which is primarily used for parking and open space.

The proposed garage meets the 4 foot side yard setback; however, it does not meet the required minimum back-up distance of 24 feet. The garage depth dimension should therefore be a maximum of 22 feet, rather than the 24 feet proposed (Condition #6).

#### **Architecture:**

The proposed architecture for the garage is a standard "ranch" style garage, with simple features.

The site includes a non-conforming monument sign that was initially reviewed in 2001 under a sign permit application and subsequently placed on hold. Staff recommends that the nonconforming monument sign be brought into compliance with City Code (Condition #1).

**Landscaping:**

The landscaping for an R-2 zoned property is 850 sq. ft. per dwelling unit of total landscape area and 500 sq. ft. per dwelling unit of usable open space. Given that the applicant is simply trying to upgrade the parking situation on the site and the existing non-conformities with regard to density, it is not practicable to place additional requirements on landscaping requirements.

**Parking/Circulation:**

The existing parking consists of a total of 23 uncovered spaces, including 14 regular and 9 compact spaces. The site is currently non-conforming as there are currently no covered parking spaces and no accessible spaces.

The parking requirements for the mixed residential and office use are detailed below.

<b>Use</b>	<b>Covered parking req.</b>	<b>Uncovered parking req.</b>	<b>Max. Compact Spaces</b>
Office (~680 sq. ft.)	0	3	1.5
1 Single family home	2	2	0.7
1 Studio	1	0.5	0.2
8 Studio apartments	8	4	1.4
<b>Total</b>	<b>11 spaces</b>	<b>10 spaces</b>	<b>3 spaces</b>

The site meets the requirement for a total of 21 spaces; however, does not meet the requirement for covered spaces and exceeds the allowable number of compact parking spaces.

The proposed garage improves the parking status with regard to covered parking, though it does not meet the minimum requirement. Staff recommends that the parking lot be re-striped to include one accessible parking space and reduce the number of compact spaces to 3 (Condition #8). Based on the site map dimensions, there is adequate space to meet these requirements.

The applicant has proposed one parking space on either side of the garage; however, there should not be a parking space to the right (east) of the garage as the existing structure does not allow for adequate parking space depth. The applicant will still be able to meet the required 21 spaces with this restriction.

**Stormwater Management:**

The proposed project does not include any new impervious cover and does not trigger stormwater management requirements.

**Compliance with Development Standards**

The site does not currently meet Code requirements; however, the proposed covered parking improves conformity with development standards.

**Expected Impact on the Surroundings**

The proposed 2-car garage is not expected to have any notable impact on the surrounding properties because it is smaller than the neighboring two-story residential building and will not be easily visible from the main street. The architecture is simple and will provide a standard garage appearance. And, apart from construction, the structure will not increase noise or ongoing disturbance on the site.

**Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

**Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 17 notices mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

## **Alternatives**

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1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

## **Recommendation**

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Alternative 1.

Prepared by:

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Jamie McLeod  
Project Planner

Reviewed by:

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Diana O'Dell  
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans



**Recommended Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project increases the amount of covered parking on the site. The proposed activity is in compliance with Land Use and Transportation Element C1.1.2 which seeks to promote and achieve compliance with land use and transportation standards. The proposed garage helps to bring the site into greater compliance with the covered parking requirements.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because it is not expected to increase the activity on the site nor does it increase the impermeable surface on site. The ranch style architecture is simple and will provide a standard garage appearance. Apart from construction, the garage will not increase noise or ongoing disturbance on the site.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

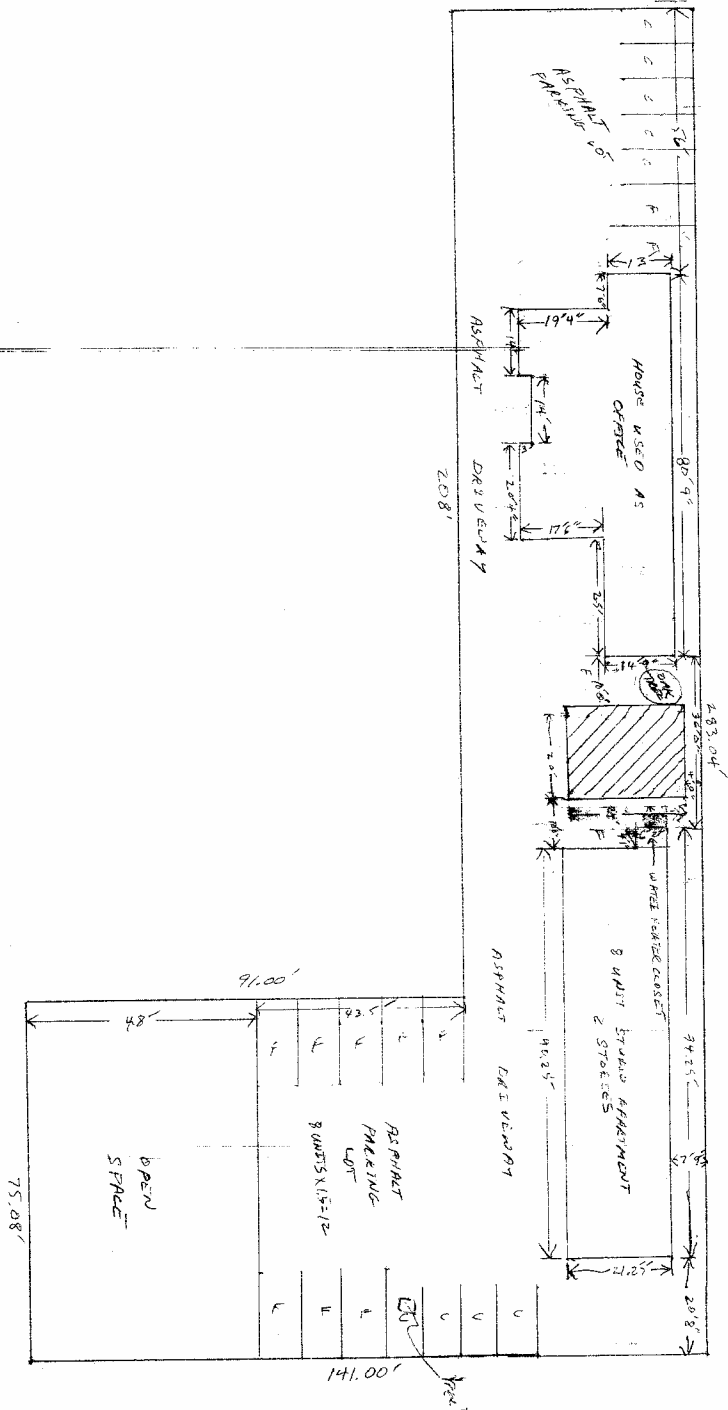
Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. If not exercised, this Use Permit shall expire two years after the date of approval by the final review authority.
2. This Use Permit is valid only in accordance with the approved plans. Minor changes of the approved plans may be approved by the Director of Community Development.
3. The applicant shall obtain all necessary permits for the site prior to occupancy, including Building and Fire permits.
4. The applicant shall reproduce the Conditions of Approval of the Title Page of the plans submitted for a building permit for this project.
5. The attached studio shall be removed or converted to become a part of the existing home, such that the property will only have 9 dwelling units.
6. The depth of the garage shall be a maximum of 22 feet, to allow for a 4 foot side yard setback and a minimum backing distance of 24 feet.
7. The window on the garage must not be located within 10 feet of another window on the eastern side of the building as it is less than ten feet from the neighboring structure.
8. The applicant shall re-stripe the parking to allow for one accessible space and a maximum of 3 compact spaces, for a total of at least 21 spaces.
9. Preserve and maintain all existing trees on the site, including the existing Oak tree located near the proposed structure. Develop protective measures to protect the Oak tree and its root base during construction.
10. The solid waste container shall be located next to the proposed garage.
11. The nonconforming signage shall be brought into compliance with City Code, as initially addressed during the 2001 Sign Permit application.
12. Exterior colors to be approved by the Director of Community Development.
13. If the property reverts to full residential use, then a Use Permit will be required to re-establish an office use other than a home business.

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ATTACHMENT C

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PROPOSED GARAGE

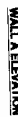
SCALE: 1" = 16'

ADDITION

186 N. SUNNYVALE AVE  
SUNNYVALE, CA 94086

OWNER: TIM & BETH CAMPBELL  
(408) 981-2995



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**DRAWING INDEX**  
A1 - ELEVATIONS, PROJECT NOTES, LEGEND  
A2 - PLANS, BEAR WALL SCHEDULE  
A3 - SECTIONS, DETAILS

**1. BOEYINGERS COOKS**  
OCCUPANCY REQUIREMENTS - SECTION B7C GROUP U DIVISION  
CONSTRUCTION TYPE - V-A  
RETIRED  
SEE CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS  
SEE CALIFORNIA FIREBURN CODE WITH LOCAL AMENDMENTS

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